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From: Lawler, Michael (DPH)
Sent: Friday, November 04, 2011 8:57 AM
To: Young, David (DPH)
Cc: Han, Linda (DPH); Looney, Ann; Davenport, Russell (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Mr. Young,

Go to the second to the last sentence of your e-mail below. I would highlight once again, that another meeting is most certainly necessary.

I am so concerned with the position that Mr. Davenport is in, that I am here at work on my own time to respond to your e-mail chain. We certainly do need another meeting. I have tried at every opportunity to resolve this issue and get us all back to the good work of the Commonwealth but your reliance on certain inaccurate details has dismayed me.

Most recently, I am extremely uncomfortable with Ms. Stiles representation that some "deadline" had been set for this Tuesday for the delivery of documents supporting Mr. Davenport's assertion that his FDA contacts used the phrase "ran out of money."

In our meeting there was no stipulation to the material simply being handed over, we were preparing for another meeting. This meeting was anticipated as a good faith effort to clarify and resolve certain issues with great discretion and dispatch. Here is an accurate summary of our meeting.

We discussed the issue and we anticipated meeting Tuesday, with support materials, to put our concerns to rest and get back to the work of the Commonwealth. Now here comes an e-mail to suggest otherwise.

I have now lost my confidence that we can conduct the important business we need to accomplish, in private any longer. I feel we need a third party to consider the issue or at least take accurate notes of the conduct of further meetings. I feel this issue is much too sensitive to be inaccurately recorded.

Regarding Mr. Davenport's support material, it is ready. In these matters of disclosure, it is important to be timely. For instance, I only recently reviewed Dr. Han's letter to Mr. Davenport, in the matter of the shirt logo. It seems that the logo reported is inaccurate. We can have the shirt ready for review, with the other material.

Mr. Young, I retain my impression that you have the authority to resolve this matter completely. Let us have another meeting to expedite the resolution to this issue.

Sincerely,
Michael Lawler
MOSES steward

-----Original Message-----

From: Young, David (DPH)
Sent: Wednesday, November 02, 2011 11:28 AM
To: Lawler, Michael (DPH)
Cc: Stiles, Tracy (DPH); Han, Linda (DPH); Davenport, Russell (DPH)
Subject: New Time Proposed: Updated: Follow up on travel week

Mike, with all due respect, let me respond with the following points. When we met with you and Mr. Davenport on Wednesday, October 26, 2011 we shared with you the following information:

1. Robert Altobelli informed Laboratory management that Mr. Davenport's portion of the conference concluded on Wednesday and that is why he checked out on Wednesday. The Thursday portion of the conference did not apply to Mr. Davenport and he was not to attend it.
2. Robert Altobelli informed Laboratory management that the FDA did not run out of money and did not pay for Mr. Davenport's room Wednesday night as he was not required to attend on Thursday. His portion of the conference ended on Wednesday. If he had been required to attend on Thursday, the FDA would have paid for his room on Wednesday night.
3. The other State Lab "LEO" did not attend the conference on Thursday. This corroborates Mr. Altobelli's information to Laboratory management.
4. Mr. Kennedy Skip Wilson informed Laboratory management that he last saw Mr. Davenport when he checked out on Wednesday. He further informed Laboratory management that Mr. Davenport did not stay with him Wednesday night and he did not see him on Thursday.
5. In response to Mr. Davenport's emails to Mr. Altobelli saying he stayed with Kennedy Skip Wilson on Wednesday night and asking if anyone saw him on Thursday, Mr. Altobelli responded that perhaps Ellen or Skip could vouch for him. At the October 26th meeting Mr. Davenport did not recall his e-mail to Mr. Altobelli saying that he stayed with Kennedy Skip Wilson on Wednesday night and he continued to assert that he did stay with him on Wednesday night even though Kennedy Skip Wilson said he did not.
6. Ellen Fitzgibbons informed Laboratory management that she and none of her staff saw Mr. Davenport on Thursday.

Despite providing Mr. Davenport with all this information, Mr. Davenport persisted in his story that he checked out on Wednesday because the FDA ran out of money, stayed with Kennedy Skip Wilson on Wednesday night who probably did not notice or remember because they had a few beers, and attended the conference on Thursday even though Mr. Altobelli said his portion of the conference ended on Wednesday, the other Laboratory "LEO" did not attend the conference on Thursday, and no one referenced saw him on Thursday. Mr. Davenport was given time to meet with you alone after this exchange to consider the information provided to Laboratory management and he continued to persist in his story. He did not change his story, did not reconcile his story with the information coming to Laboratory management's attention, and did not provide any evidence that this information was untrue or mistaken. He did say he had an e-mail from the FDA saying they were out of money for the Wednesday night stay. The October 26, 2011 meeting was concluded with notice to Mr. Davenport that he had until close of business November 1st to produce any evidence reconciling his story with the information provided to Laboratory management or contradicting that information as untrue or mistaken, such as his alleged e-mail that the FDA had run out of money and Kennedy Skip Wilson had a few beers and did not notice him. He was emphatic that had he known of the topic of the meeting he would have had this evidence with him. Laboratory management notes just as emphatically in this regard that Mr. Davenport was invited to this meeting with an e-mail which was captioned in the subject line as a follow up on his travel week. That caption continues in this string of e-mails.

In the absence of any evidence corroborating Mr. Davenport's story or Mr. Davenport changing his story there appears to be no need for a further meeting and Laboratory management will review this matter based on the information it has at this time. Unless Mr. Davenport has evidence that the information coming to the attention of Laboratory management is untrue or mistaken, now wants to change his story, or can reconcile his story with the testimony of others, there is no need for a further meeting.

Finally, I appreciate your kind words of confidence in me being able to resolve this matter but I do not think my presence at another meeting concerning the events taking place at the conference will result in any resolution as outlined above.

From: Lawler, Michael (DPH)
Sent: Tuesday, November 01, 2011 3:54 PM
To: Stiles, Tracy (DPH); Davenport, Russell (DPH)
Cc: Han, Linda (DPH); Young, David (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Tracey,
When we sat down last week, Russ and I had anticipated a discussion of issues other than the dairy inspector meeting. When you and Mr. Young made the focus of the meeting Russ' attendance at the inspector workshop, I was unprepared to discuss the point.

We agreed that Russ would put together documentation for your consideration, such as the FDA being short of funds. If I recall correctly, this was a source of contention while Russ was on the road to the conference. When pressed for his status for the State Lab time sheets, Russ suggested he be put on "vacation" pending a resolution later. Indeed, his pay stub reflects this.

This is part of the material Russ had collated for our anticipated meeting today. To further complicate this situation, Russ had to conduct an inspection today.

In anticipation of another clarifying meeting, Russ had offered up a Wednesday moment, which would not interfere with his inspections. Mr. Young pressed back to Tuesday. The closing dialog of this meeting was of setting a meeting date, not setting a deadline for these materials, which we must discuss, to consider the most expeditious resolution. And here we are Tuesday. Russ is back from the inspection and I deferred my patterns of lab work to accommodate a Tuesday meeting, which I learn this afternoon is not going to happen.

I was looking forward to this meeting as an opportunity to resolve this issue to everyone's satisfaction. In particular, I was looking forward to Mr. Young's presence, for I intuit his experience would be invaluable in arriving at a solution in the most expeditious manner. I look forward to the opportunity of resolving this matter and anticipate, with Mr. Young's presence, we can do so.

Sincerely,
Mike Lawler

-----Original Message-----

From: Stiles, Tracy (DPH)
Sent: Tuesday, November 01, 2011 12:36 PM
To: Davenport, Russell (DPH)
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Hi Russ--there is no follow up meeting planned. If you recall at our meeting last week you were given until close of business today to produce any documentation you have to support your version of the events, such as emails stating the FDA was out of money. Those can be given to me directly or left in my mailbox before you leave today.

Thanks,
Tracy

Tracy Stiles
Director, Microbiology Division
617-983-6619
tracy.stiles@state.ma.us

-----Original Message-----

From: Davenport, Russell (DPH)
Sent: Tuesday, November 01, 2011 8:55 AM
To: Stiles, Tracy (DPH)
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week

When is our next mtg time & date? Wed @ 10:00 works for me.

Mr. Russell T. Davenport
Laboratory Evaluation Officer
Dept of Public Health
Center for Disease Control
305 South Street
Boston, MA. 02130

Tel: 617-983-6616
Fax: 617-983-6618
Russell.Davenport@state.ma.us

-----Original Message-----

From: Stiles, Tracy (DPH)
Sent: Tuesday, October 25, 2011 11:50 AM
To: Davenport, Russell (DPH)
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week

Russ let me know what time tomorrow works for you?

Tracy Stiles
Director, Microbiology Division
617-983-6619
tracy.stiles@state.ma.us

-----Original Message-----

From: Davenport, Russell (DPH)
Sent: Tuesday, October 25, 2011 9:12 AM
To: Stiles, Tracy (DPH)
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)
Subject: RE: New Time Proposed: Updated: Follow up on travel week
Importance: High

Who is David? Make it earlier in the day preferable today to get this over with, the stress you folks are causing me is having an impact on my work and health.

Thanks,
Russ

Mr. Russell T. Davenport
Laboratory Evaluation Officer
Dept of Public Health
Center for Disease Control
305 South Street
Boston, MA. 02130

Tel: 617-983-6616
Fax: 617-983-6618
Russell.Davenport@state.ma.us

-----Original Message-----

From: Stiles, Tracy (DPH)
Sent: Tuesday, October 25, 2011 9:09 AM
To: Davenport, Russell (DPH)
Cc: Lawler, Michael (DPH); Han, Linda (DPH); Young, David (DPH)
Subject: Re: New Time Proposed: Updated: Follow up on travel week

It's not. David isn't available this morning and I won't be in until a little later.
David and Linda are copied here. Why is 330 tomorrow bad?

Sent from my iPhone

On Oct 25, 2011, at 9:04 AM, "Davenport, Russell (DPH)" <Russell.Davenport@MassMail.State.MA.US> wrote:

> I understand so is 10:00 AM OK today?

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> Mr. Russell T. Davenport
> Laboratory Evaluation Officer
> Dept of Public Health
> Center for Disease Control
> 305 South Street
> Boston, MA. 02130

>

> Tel: 617-983-6616
> Fax: 617-983-6618
> Russell.Davenport@state.ma.us

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> -----Original Message-----

> From: Stiles, Tracy (DPH)
> Sent: Tuesday, October 25, 2011 8:40 AM
> To: Davenport, Russell (DPH)
> Cc: Lawler, Michael (DPH); Young, David (DPH); Han, Linda (DPH)
> Subject: Re: New Time Proposed: Updated: Follow up on travel week

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> Russ I need you to make this meeting a priority.

> Thanks,

> Tracy
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> Sent from my iPhone
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> On Oct 25, 2011, at 8:34 AM, "Davenport, Russell (DPH)" <Russell.Davenport@MassMail.State.MA.US> wrote:
>
>> I thought it was today at 10:00. Wed at 3:30 is out. Thanks
>> Russ
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>> New Meeting Time Proposed:
>> Tuesday, October 25, 2011 10:00 AM-11:00 AM (GMT-05:00) Eastern Time (US & Canada).
>>
>> <Updated: Follow up on travel week>